

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated March 2, 2010. Claims 48, and 50-53 are hereby cancelled. Claims 42-47 and 49 are currently pending. Claims 42, 44-46 are hereby amended. A two month petition for extension of time is submitted herewith. Please charge Deposit Account No. 02-1818 for any payments due in connection with this Response.

The Office action objected to the drawings under 37 CFR 1.83(a) for failing to show certain claim elements. The claims are hereby amended or cancelled to remove those elements. This rejection should be withdrawn.

The Office action rejected claims 42-53 under 35 U.S.C. 112, ¶1 for failing to comply with the written description requirement. Applicants respectfully disagree. By way of example, each of these claims (as currently amended) is fully supported by the description of FIG. 1 in ¶¶ 25 – 34. This rejection should be withdrawn.

The Office action rejected claims 42-53 under 35 U.S.C. 112, ¶2 as being indefinite. The Office action indicates that the tree angels, three corresponding time periods, and fourth light intensity are indefinite for lack of written description. Applicants respectfully disagree. The three angles and three time periods recited in the claims are fully supported and described with reference to FIG. 1. As can be seen in FIG. 1, and as described in ¶28, step 6 creates a loop that cause three time periods to be measured (step 4) for three different angles (step 2) of light emission (step 3). The light intensity may be ascertained at step 5 and/or step 7 as described in ¶27 and ¶28. This rejection should be withdrawn.

The Office action rejected independent claim 42 under 35 U.S.C. 102(b) as being anticipated by Raskar (U.S. patent 6,520,647). Applicants respectfully disagree. Claim 42 recites, *inter alia*, “measuring a first time period between emitting the light at the first angle and receiving the light a first time.” Raskar does not teach this feature.

Raskar projects a predetermined pattern, such as a checkerboard, on to a surface and receives the reflected pattern at a camera to determine an angle associated with the projection and the surface (e.g., the squares of the checkerboard are no longer squares after being relected by the surface). However, Raskar does not measure “a

first time period between emitting the light at the first angle and receiving the light a first time" as claimed.

For at least this reason, it is respectfully submitted that independent claim 42 is patentably distinguished over the art of record and in condition for allowance. All other pending claim depend either directly or indirectly from independent claim 42 and are also allowable for the reasons given with respect to claim 42 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

K&L GATES LLP

BY


James F. Goedken
Reg. No. 44,715
Customer No. 24573

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